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CAPE TOWN FOR EMBASSY

E.O. 11652: XGDS-1
TAGS: PDEV UK RH
SUBJECT: RHODESIA: TERMS OF REFERENCE FOR GRAHAM/LOW
MISSION

REF: LUSAKA 1873

FOLLOWING IS REVISED TERMS OF REFERENCE FOR GRAHAM/LOW
MISSION:

OBJECTIVE

-

1. TO ESTABLISH A PATTERN OF NEGOTIATIONS SO AS TO
ENGAGE THE PARTIES TO THE RHODESIA DISPUTE IN DIRECT
DETAILED DISCUSSIONS WITH A VIEW TO REACHING AGREEMENT
WHERE POSSIBLE AND, WHERE NOT, TO NARROWING THE DIFFER-
ENCES BETWEEN THEM, EITHER THROUGH SEPARATE DISCUSSIONS
OR PRIOR NEGOTIATIONS BETWEEN ALL THE PARTIES AT VARIOUS
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LEVELS, SO THAT AT AN APPROPRIATE TIME A MEETING WITH
SECRETARY VANCE AND FOREIGN SECRETARY OWEN MAY BE HELD
WITH SOME PROSPECT OF SUCCESS.

ANALYSIS OF PRESENT POSITIONS OF THE PARTIES

- A. THE PATRIOTIC FRONT
2. THE FRONT, STRONGLY SUPPORTED BY, AND UNDER THE

PRESSURE OF, THE FRONT LINE STATES, HAVE SUPPORTED THE ANGLO-AMERICAN PROPOSALS, BUT HAVE A VERY DIFFERENT INTERPRETATION FROM OURSELVES ON FUNDAMENTAL POINTS AND HAVE MODIFIED THE PLAN BY THEIR OWN COUNTER-PROPOSALS. THEY ALSO ATTACH IMPORTANCE TO THE UN RESOLUTION ASKING FOR DISCUSSIONS ON MILITARY AND ASSOCIATED MATTERS WITH THE RESIDENT COMMISSIONER-DESIGNATE AND THE UN SPECIAL REPRESENTATIVE. AT DAR ES SALAAM THEY AGREED TO A UN PRESENCE TO INCLUDE A SPECIAL REPRESENTATIVE, A MILITARY FORCE AND A POLICE OBSERVER GROUP. THEY PUT FORWARD SOME IDEAS FOR THE FORCE'S MANDATE WHICH MAY REPRESENT MISCONCEPTIONS ABOUT THE ROLE OF A UN FORCE. IT SEEMS LIKELY THAT THESE COULD BE IRONED OUT.

3. THE FRONT ALSO PROPOSE AS THE SOLE EXECUTIVE AND LEGISLATIVE BODY DURING THE TRANSITIONAL PERIOD A GOVERNING COUNCIL OF 12 MEMBERS COMPOSED OF THE RESIDENT COMMISSIONER AND REPRESENTATIVES OF THEMSELVES AND OF THE SALISBURY PARTIES, WITH THEMSELVES HAVING THE OVERALL MAJORITY. THERE WOULD BE MINISTERS IN CHARGE OF DEPARTMENTS (WHO MIGHT OR MIGHT NOT ALSO BE MEMBERS OF THE GOVERNING COUNCIL), BUT THE MINISTRIES OF LAW AND ORDER, AND DEFENCE WOULD BE HELD BY THE PATRIOTIC FRONT. HOWEVER, THESE TWO MINISTERS WOULD BE SUBORDINATE IN THEIR FIELDS TO THE RESIDENT COMMISSIONER, WHO WOULD HAVE EXECUTIVE POWERS (BUT NOT LEGISLATIVE) IN THE AREAS OF LAW AND ORDER, AND DEFENCE. (THERE HAVE BEEN SUB-CONFIDENTIAL

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SEQUENT INDICATIONS, HOWEVER, THAT THE PATRIOTIC FRONT MIGHT BE READY TO GIVE THE RESIDENT COMMISSIONER EXECUTIVE POWERS IN THE FIELD OF EXTERNAL AFFAIRS AND LEGISLATIVE AUTHORITY IN ALL THE FIELDS IN WHICH HE HAD RESERVED EXECUTIVE POWERS.)

4. THE PATRIOTIC FRONT MAINTAIN THAT NOT ONLY SHOULD THE ARMED FORCES BE "BASED ON THE LIBERATION FORCES WITH ACCEPTABLE ELEMENTS OF THE EXISTING RHODESIAN FORCES" BUT THAT THE POLICE ALSO SHOULD BE RESTRUCTURED SO AS TO BE COMPOSED OF 50 PERCENT PATRIOTIC FRONT NOMINEES.

5. THE FRONT ACCEPT THE HOLDING OF ELECTIONS OBSERVED BY THE UN, BUT HAVE CLEAR RESERVATIONS ABOUT A GENERAL AMNESTY, ABOUT THE VALIDATION OF THE REGIME'S LAWS, AND ABOUT INHERITANCE OF THE REGIME'S DEBTS AND LIABILITIES. (ALL THIS IMPLIES THAT THEY STILL ENVISAGE, AS DID THE AAP, THAT THE TRANSITION WOULD BE BASED ON A SURRENDER OF POWER BY THE REGIME AND A RETURN TO PRE-UDI LEGALITY.) THERE HAS BEEN LITTLE DISCUSSION WITH THEM OF THE INDEPENDENCE CONSTITUTION BUT WE KNOW FROM THE DOCUMENT TABLED AT MALTA AND FROM OTHER DISCUSSIONS THAT THEY REJECT THE CONCEPT OF SPECIAL REPRESENTATION FOR THE

WHITES, HAVE RESTRICTIVE IDEAS ABOUT CITIZENSHIP AND
HAVE RESERVATIONS ABOUT THE GUARANTEE OF PERSONAL

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PROPERTY AGAINST EXPROPRIATION WITHOUT COMPENSATION
CONTAINED IN THE BILL OF RIGHTS. THERE MAY WELL BE
OTHER POINTS OF DIFFICULTY.

B. THE SALISBURY PARTIES

6. THE UANC, THE ANC(S) (OR ZANU), THE RHODESIA FRONT
AND ZUPO, HAVING SIGNED THE SALISBURY AGREEMENT ON
3 MARCH, HAVE STATED THAT THEY WISH TO BE TREATED AS A
SINGLE GROUP. NEVERTHELESS, WITHIN THAT GROUP THE UANC
APPEARS TO BE THE ODD MAN OUT AND THEY MAY EVEN DECIDE
TO WITHDRAW FROM IT: MUCH WOULD THEN DEPEND ON WHETHER
THEY DECIDED TO REMAIN INDEPENDENT OR TO JOIN FORCES
WITH THE PATRIOTIC FRONT, IF THEY COULD. THE SALISBURY
PARTIES REGARD THE SALISBURY AGREEMENT AS NOT OPEN TO
RENEGOTIATION IN THE AREAS WHICH IT COVERS, NOTABLY THE
PROVISIONS FOR SPECIAL REPRESENTATION OF THE WHITES,
ENTRENCHMENT, THE INDEPENDENCE OF THE JUDICIARY, THE
ARMED FORCES AND THE POLICE, THE GUARANTEES OF PERSONAL
PROPERTY AND PENSIONS, AND THE DIVISION OF POWER IN THE
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"TRANSITION GOVERNMENT". WHILE NEARLY ALL THE DETAIL REMAINS TO BE WORKED OUT, THE CONCEPT OF THE SALISBURY AGREEMENT IS ONE OF ADAPTATION OF THE EXISTING REPUBLICAN STRUCTURE LAID DOWN IN THE (ILLEGAL) CONSTITUTION OF 1969. INDEED, IN THE TRANSITIONAL PERIOD, THE CONSTITUTION REMAINS IN FORCE UNCHANGED EXCEPT FOR THE AMENDMENT OF THE PROVISION WHICH REQUIRES MINISTERS TO BE MEMBERS OF PARLIAMENT (THEREBY PERMITTING THE BLACK MINISTERS TO OPERATE). ALTHOUGH MR SMITH HAS AGREED TO NOMINATE CERTAIN BLACK MINISTERS, TO EXERCISE HIS FUNCTIONS AS PRIME MINISTER IN AGREEMENT WITH THE THREE OTHER MEMBERS OF THE EXECUTIVE COUNCIL AND TO ENSURE THAT "PARLIAMENT" CARRIES THE LEGISLATION TO GIVE EFFECT TO THE EXECUTIVE COUNCIL'S DECISIONS, HIS COMMITMENT RESTS SOLELY ON THE SALISBURY AGREEMENT WHICH HAS NO LEGAL FORCE TO OVERRIDE THE CONSTITUTION.

THE DIFFERENCES BETWEEN THE PARTIES

7. A. THE TRANSITION

I. THE PATRIOTIC FRONT ENVISAGE AN ALL-POWERFUL GOVERNING BODY, ON WHICH THEY WOULD HAVE A MAJORITY EXERCISING ITS POWERS BY SIMPLE MAJORITY. THEY WOULD PUT EXECUTIVE AUTHORITY FOR LAW AND ORDER AND DEFENCE IN THE HANDS OF A "NEUTRAL" MEMBER OF THE GOVERNING BODY PRESUMABLY, IN THEIR VIEW, APPOINTED BY THE BRITISH GOVERNMENT;

II. THEY ENVISAGE THE DISAPPEARANCE OF THE REGIME'S 1969 CONSTITUTION AND THE LEGAL ORDER WHICH FLOWS FROM IT AND THEIR REPLACEMENT BY A CONSTITUTION AN LEGAL ORDER WHICH FLOW FROM THE BRITISH PARLIAMENT. THIS WOULD MEAN THAT MOST EXISTING LAWS AND INSTITUTIONS WOULD FALL AWAY EXCEPT TO THE EXTENT THAT THEY WERE EXPRESSLY VALIDATED AND MANY INDIVIDUALS WOULD BE AT
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RISK OF LEGAL PROCEEDINGS UNLESS EXPRESSLY AMNESTIED;

III. THEY ENVISAGE THE COMPLETE NEUTRALISATION OF THE PRESENT ARMED FORCES AS A PRELIMINARY TO THEIR DISBANDMENT, A RADICAL RESTRUCTURING OF THE POLICE, THE NON-VALIDATION OF MUCH SECURITY LEGISLATION, AND THE IMMEDIATE ENDING OF ALL DISCRIMINATION;

IV. THEY ENVISAGE WHOLESALE CHANGES IN THE CIVIL SERVICE AND JUDICIARY AT THE BEGINNING OF THE TRANSITION PERIOD AND EVEN MORE AT INDEPENDENCE;

V. THE SALISBURY PARTIES ARE WORKING ON THE BASIS

THAT THE PRESENT LEGAL SET-UP CONTINUES THROUGHOUT THE TRANSITION WITH MODIFICATIONS DESIGNED TO GIVE THE PARTICIPATING NATIONALISTS A VOICE. THE ARMED FORCES, POLICY, CIVIL SERVICE, JUDICIARY AND THE LAWS WILL REMAIN LARGELY AS THEY ARE AND WILL CONTINUE TO BE PROTECTED FROM CHANGE AT AND AFTER INDEPENDENCE, WHILE THE GUERRILLAS ARE ENCOURAGED TO SURRENDER AND BE DISBANDED OR ABSORBED INTO THE ARMED FORCES ON LINES YET TO BE ESTABLISHED ON THE PROMISE OF AN AMNESTY. DISCRIMINATION IS TO BE ENDED, BUT CLEARLY THAT IS BEING GIVEN LITTLE PRIORITY.

B. ELECTIONS

I. THE PATRIOTIC FRONT ENVISAGE ELECTIONS ON A SINGLE ROLL, WITH UNIVERSAL ADULT SUFFRAGE, WITH NO SPECIAL ARRANGEMENTS FOR WHITE REPRESENTATION (BUT WITH CITIZENSHIP PROVISIONS WHICH WOULD HAVE THE EFFECT OF DISENFRANCHISING ALL WHITES WHO HAVE ARRIVED IN RHODESIA SINCE UDI);

II. THE SALISBURY PARTIES HAVE TWO ROLLS, TO PROVIDE GENEROUS SPECIAL REPRESENTATION FOR THE WHITES. THE ELECTIONS WOULD APPARENTLY BE CONDUCTED UNDER EXISTING LAWS, AMENDED AS NECESSARY.

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C. INDEPENDENCE

I. THE PATRIOTIC FRONT ENVISAGE PROVISION IN THE BILL OF RIGHTS TO PERMIT A WHOLESALE REALLOCATION OF LAND, PROBABLY WITHOUT FULL COMPENSATION, A POINT AGAINST WHICH THE SALISBURY AGREEMENT ENVISAGES A FIRM GUARANTEE;

II. THE SALISBURY PARTIES HAVE AGREED TO THE WHITES HAVING 25 PERCENT OF THE SEATS IN THE ASSEMBLY FOR THE FIRST TEN YEARS OF INDEPENDENCE AND SUBJECT TO REVIEW THEREAFTER; AND A REQUIREMENT THAT ENTRENCHED PROVISIONS OF THE CONSTITUTION MAY BE AMENDED BY A VOTE OF 78 MEMBERS OF THE ASSEMBLY OUT OF 100.

THE US/UK POSITION

8. FOR OURSELVES THE IMPORTANT ELEMENTS IN A SETTLEMENT ARE THAT IT SHOULD ENSURE A SPEEDY AND PEACEFUL TRANSITION TO MAJORITY RULE. TO ACHIEVE THAT THERE MUST BE ELECTIONS, CONDUCTED ON THE BASIS OF UNIVERSAL ADULT SUFFRAGE IN CONDITIONS THAT WILL PERMIT ALL RHODESIANS CONFIDENTIAL

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WHO WISH TO DO SO TO PARTICIPATE, WHETHER AS PARTIES OR INDIVIDUALS, AND WILL ENABLE US TO BE SATISFIED THAT THEY ARE FREE AND FAIR. FOR THAT, A POLITICALLY NEUTRAL ADMINISTRATION IS REQUIRED TO ORGANISE AND CONDUCT THE ELECTIONS (AND, AS THE MINIMUM, TO AMEND ANY RESTRICTIVE LAWS WHICH BEAR ADVERSELY ON THE ELECTORAL PROCESS). IDEALLY, IN THE CIRCUMSTANCES OF RHODESIA, THERE SHOULD BE AN OUTSIDE BODY TO OBSERVE THE CONDUCT OF THE ELECTIONS. GIVEN THE EXISTING FIGHTING, THERE MUST BE A CEASEFIRE, OR A SUFFICIENT REDUCTION IN THE LEVEL OF VIOLENCE SO AS NOT TO IMPEDE THE ELECTORAL PROCESS, AND AN AMNESTY FOR ALL OFFENCES ARISING OUT OF UDI AND THE FIGHTING. FOR PRACTICAL REASONS THE LESS CHANGE IN THE EXISTING CIVIL ADMINISTRATION, JUDICIARY AND LAWS THE BETTER, BUT DISCRIMINATION AND REPRESSIVE LEGISLATION WHERE NOT AMENDED BY THE BILL OF RIGHTS MUST BE TACKLED AS A MATTER OF URGENCY. THE LEGAL OBLIGATIONS OF THE GOVERNMENT ALSO NEED TO BE TAKEN OVER SUBSTANTIALLY WITHOUT CHANGE. EXCEPTIONS IN ALL THESE FIELDS WILL HAVE TO BE NEGOTIATED, ESPECIALLY CHANGES IN THE SENIOR RANKS OF THE ADMINISTRATION, AND FURTHER CHANGES WILL HAVE TO FOLLOW DURING THE TRANSITION PERIOD. THE ELECTIONS SHOULD PRODUCE A GOVERNMENT ELECTED BY THE PEOPLE, WHICH WOULD BE INSTALLED IN ACCORDANCE WITH A CONSTITUTION WHICH WOULD PROVIDE PROTECTION FOR BASIC HUMANRIGHTS IN ACCORDANCE WITH NORMAL DEMOCRATIC STANDARDS, AND THE INDEPENDENCE OF THE JUDICIARY AND THE CIVIL SERVICE, THESE AND OTHER IMPORTANT PROVISIONS TO BE APPROPRIATELY ENTRENCHED. IN THE SPECIAL CIRCUMSTANCES OF RHODESIA, WE BELIEVE THAT IN THE INITIAL

YEARS OF INDEPENDENCE THERE SHOULD BE PROVISION FOR A
MEASURE OF SPECIAL REPRESENTATION OF THE WHITE MINORITY,
SUFFICIENT TO GIVE THEM CONFIDENCE AND A VOICE, BUT NOT
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A POWER OF VETO, IN THE ASSEMBLY. HOWEVER, WE HAVE SAID
WE WOULD ACCEPT ANY ARRANGEMENT IN THIS FIELD THAT WAS
AGREED BY ALL THE PARTIES. THE WHOLE SETTLEMENT PROCESS
MUST INVOLVE A CLEAR AND IRREVERSIBLE TRANSFER OF POWER
FROM THE RHODESIA FRONT AND A RETURN TO LEGALITY (THEY
NEED NOT COINCIDE) UPON WHICH DEPENDS THE LIFTING OF
SANCTIONS.

9. THE ANGLO-AMERICAN PROPOSALS SATISFY ALL THESE
POINTS, BUT THERE ARE OTHER WAYS IN WHICH THEY COULD BE
MET. FOR EXAMPLE, IN THE ANGLO-AMERICAN PROPOSALS ALL
LEGISLATIVE AND EXECUTIVE AUTHORITY WAS TO HAVE BEEN
VESTED IN THE RESIDENT COMMISSIONER, REPRESENTING THE
CROWN AND ACTING UNDER THE CONTROL OF THE BRITISH
GOVERNMENT, SO THAT THE 1969 CONSTITUTION WOULD HAVE HAD
TO BE UNEQUIVOCALLY RENOUNCED. IT IS CLEAR THAT INSTEAD
WE WILL HAVE TO VEST LEGISLATIVE AND EXECUTIVE AUTHORITY
IN A COUNCIL (OR, IF THE PARTIES PROPOSE IT, IN SEPARATE
EXECUTIVE AND LEGISLATIVE COUNCILS), WHICH WILL IN
PRACTICE NOT BE SUBJECT TO THE SAME CONTROL BY THE
BRITISH GOVERNMENT AS HAD BEEN ENVISAGED. THIS CHANGE
MIGHT ENABLE THE REGIME MORE EASILY TO BRING THEMSELVES
TO THE SAME POSITION THROUGH THEIR OWN PROCEDURES BY
AMENDMENT, BUT NOT EXPLICIT RENUNCIATION OF THE 1969
CONSTITUTION. THE AGREED CONSTITUTIONAL ARRANGEMENTS
SHOULD ALSO BE MADE TO BE COMPATIBLE WITH THE POSITION
THAT RHODESIA REMAINS A BRITISH DEPENDENCY FOR WHICH THE
BRITISH PARLIAMENT IS THE SUPREME AUTHORITY. BUT, WHAT-
EVER LEGAL DEVICE WERE USED, IT WOULD BE NECESSARY, IF
THE TRANSITIONAL REGIME WERE TO BE REGARDED AS GENUINELY
NEUTRAL, TO ABOLISH OR SUSPEND THE PRESENT UNREPRESENTATIVE
PARLIAMENT AND TO INTRODUCE A LEGISLATIVE AND
EXECUTIVE STRUCTURE WHICH PROVIDED BOTH AN EFFICIENT

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INSTRUMENT OF GOVERNMENT AND A FAIR BALANCE BETWEEN THE PARTIES. (NOT FOR USE UNLESS OTHERWISE INSTRUCTED: IF THE PARTIES COULD ALL AGREE, IT MIGHT BE POSSIBLE TO CONTEMPLATE AUTHORISING THE EVENTUAL GRANT OF INDEPENDENCE AFTER ELECTIONS AND THE ESTABLISHMENT OF THE INDEPENDENCE CONSTITUTION IN THE SAME ENACTMENT AS AUTHORISED THE TRANSITIONAL CONSTITUTION. IT MIGHT EVEN BE POSSIBLE, AT THE EXTREME, TO GRANT INDEPENDENCE IN ADVANCE OF ELECTIONS, PROVIDED, PRESUMABLY, THAT THERE WAS AN ADEQUATE MEASURE OF INTERNATIONAL SUPERVISION OF THE PRE-ELECTORAL PERIOD AND OF THE ELECTIONS: BUT SUCH A COURSE MIGHT RAISE SEVERE POLITICAL DIFFICULTIES, BOTH DOMESTICALLY AND IN AFRICA AND WOULD CALL FOR A DEGREE OF TRUST THAT HAS HITHERTO BEEN LACKING.)

POSSIBLE OPTIONS

10. THERE IS SOME DOUBT ABOUT THE READINESS OF THE PATRIOTIC FRONT AT THIS STAGE TO CONTINUE BILATERAL DISCUSSIONS BEGUN IN DAR. THEY, LIKE US, WANT DIRECT CONFIDENTIAL

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NEGOTIATIONS WITH THE PARTIES. THE FRONT LINE STATES WOULD PROBABLY BE QUITE CONTENT FOR BILATERAL TALKS TO CONTINUE, WITH A VIEW TO THE CONCLUSION OF A FIRM AGREEMENT BETWEEN THE FRONT AND OURSELVES. ON THE BASIS OF WHICH THEY WOULD HOPE THAT THE US AND BRITISH GOVERNMENTS WOULD BE ABLE TO MOUNT SUFFICIENT PRESSURE, DIRECTLY AND THROUGH THE SOUTH AFRICAN GOVERNMENT, TO BRING ABOUT ACCEPTANCE OF THE AGREEMENT BY THE SALISBURY REGIME. IN RECENT DISCUSSIONS IN LUSAKA WITH BRITISH AND US REPRESENTATIVES, MR NKOMO HAS EXPRESSED RELUCTANCE TO HOLD FURTHER TALKS WITH US IN ADVANCE OF AGREEMENT BY THE

SALISBURY PARTIES TO COME TO ALL-PARTY NEGOTIATIONS AND HAS SUGGESTED THAT THE FIRST TASK OF MR GRAHAM AND MR LOW SHOULD BE TO ENGAGE IN DISCUSSIONS WITH THE SALISBURY PARTIES WITH A VIEW TO SECURING THE LATTER'S AGREEMENT TO SUCH A MEETING. FROM SUBSEQUENT DISCUSSION IT IS CLEAR THAT HE IS REALISTIC THAT THE BASIS FOR ANY MEETING SHOULD NOT BE CONFINED TO THE AAP BUT HE HAS A CLEAR PREFERENCE FOR STARTING TO DISCUSS "MILITARY AND ASSO-CIATED MATTERS", BY WHICH HE MEANS ALSO DISCUSSING A JOINT POLICE FORCE AND, INDEED, THE TRANSITIONAL ARRANGEMENTS AS A WHOLE. HE ENVISAGES THIS TAKING PLACE WITH LORD CARVER AND GENERAL PREM CHAND UNDER SECURITY COUNCIL RESOLUTION NO 415. HE BELIEVES THAT THE SALISBURY PEOPLE WILL HAVE REAL DIFFICULTY WITH UN INVOLVEMENT HE IS CONTENT FOR THE SALISBURY PARTIES TO SEND WHOM THEY WANT. HE APPEARS TO ENVISAGE THAT ONCE THESE NEGOTIATIONS ABOUT THE TRANSITION HAVE STARTED AND ARE MAKING PROGRESS, SEPARATE MEETINGS COULD BE HELD BETWEEN THE UK/US TEAM, THE SALISBURY PARTIES AND DELEGATES OF HIMSELF AND MR MUGABE ON THE CONSTITUTIONAL AND LEGAL ISSUES. MR NKOMO DOES NOT SEE ANY PURPOSE IN HAVING DETAILED DISCUSSIONS WITH MR GRAHAM AND MR LOW, WHOM HE

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SEES AS ENVOYS AND WHOM HE FEELS CANNOT CHANGE THEIR PREVIOUS ROLE. HE WANTS DIRECT TALKS AND ONLY THEN WILL HE MAKE THE NECESSARY CONCESSIONS. HE RECOGNISES THAT SUCH TALKS WILL HAVE TO SPREAD OVER WEEKS AND WOULD LIKE THEM TO BE AS PRIVATE AS POSSIBLE.

11. THE AREAS OF PRINCIPAL INTEREST TO THE PATRIOTIC FRONT ARE:

- A. THE STRUCTURE OF THE ARMED FORCES AND THE POLICE;
- B. THE DISTRIBUTION OF POWER DURING THE TRANSITION.

THERE ARE ALSO MANY OTHER POINTS OF REAL DIFFICULTY (SEE PARAGRAPHS 2-5 ABOVE).

12. IN TALKING TO THE PATRIOTIC FRONT, THEREFORE, IT MAY BE BEST TO PROCEED ON THE FOLLOWING LINES:

- A. TO MAKE IT CLEAR THAT OUR OBJECTIVE IS TO WORK OUT WITH THEM A PATTERN OF NEGOTIATIONS FOR ALL-PARTY MEETINGS AT LEVELS BELOW THE PRINCIPALS, AS A VITAL PRELIMINARY TO A MEETING OF ALL THE PARTIES ATTENDED BY DR OWEN AND MR VANCE;
- B. TO TRY TO ESTABLISH THE FORMAT AND PLACE FOR DISCUSSION OF THE MILITARY AND ASSOCIATED ARRANGEMENTS, I.E., THE TRANSITIONAL ARRANGEMENTS, INCLUDING A CEASE-FIRE. BUT ESTABLISHING THIS DEPENDS ON THE SALISBURY TALKERS RECOGNISING THAT THEY CANNOT BRING ABOUT A CEASEFIRE THEMSELVES. IT WILL PROBABLY BE NECESSARY TO SHUTTLE BETWEEN THE PARTIES TO ESTABLISH A BASIS FOR SUCH TALKS;

C. TO DISCUSS THE BROAD PICTURE OF THE KIND OF ARRANGEMENTS UNDER WHICH THEY AND THE OTHER PARTIES WOULD BE INVITED TO TAKE PART IN A TRANSITIONAL GOVERNMENT, TAKING AS A BASIS THE ANGLO-AMERICAN PROPOSALS AS AMENDED IN PREVIOUS DISCUSSIONS WITH THEM. IT WOULD PROBABLY BE WISE NOT TO START WITH MAJOR MATTERS OF

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PRINCIPLE, THOUGH THERE MAY BE AN OPPORTUNITY TO RUN OVER THE POINTS LEFT OPEN AT DAR WITH A VIEW TO DISCOVERING WHETHER FURTHER MOVEMENT, OR AT LEAST GREATER CLARITY IS POSSIBLE;

D. TO TRY AND EMBARK ON AREAS OF THE TRANSITIONAL ARRANGEMENTS NOT PREVIOUSLY COVERED AND ON WHICH THE PATRIOTIC FRONT MAY HAVE LEGITIMATE ANXIETIES, SUCH AS THE ORGANISATION AND CONTROL OF ELECTIONS, AND ACTION IN THE FIELD OF REMOVAL OF RACIAL DISCRIMINATION AND REPRESSIVE LEGISLATION, AND (PARTIAL) AFRICANISATION OF THE JUDICIARY AND THE CIVIL SERVICE, THE PROPOSED BILL OF RIGHTS, LIABILITIES (INCLUDING PENSIONS) AND THE AMNESTY.

13. WITH THE SALISBURY PARTIES, THE BEST APPROACH MIGHT BE TO TAKE UP THE REFERENCES IN THEIR STATEMENT OF 25 APRIL TO THE LIFTING OF SANCTIONS AND THE HOLDING OF A TEST OF OPINION, AND TO SAY THAT WE NOTE THESE AND

ARE IN FAVOUR OF BOTH, BUT CERTAIN CONDITIONS MUST BE
MET FIRST. FOR THE CONDUCT OF A VALID TEST OF OPINION
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(WHICH WE BELIEVE SHOULD TAKE THE FORM OF A GENERAL
ELECTION ON THE BASIS OF UNIVERSAL ADULT SUFFRAGE) THERE
HAS TO BE:

I. A NEUTRAL ADMINISTRATION
II. A CEASEFIRE OR A SUFFICIENT REDUCTION IN THE
LEVEL OF VIOLENCE FOR THE ELECTORAL PROCESS TO BE
CONDUCTED;
III. SOME FORM OF INTERNATIONAL SUPERVISION OF
THE CEASEFIRE AND OBSERVATION OF THE ELECTIONS.
WE MUST REALISTICALLY FACE THE NEED TO INVOLVE THE
PATRIOTIC FRONT IF THESE CONDITIONS ARE TO BE MET. THIS
MAY TAKE TIME AND WE WILL HAVE TO MOUNT DISCREET PRESSURE
OVER THIS. THE UANC DIFFICULTIES MAY BE A LEVER AND
THIS SHOULD BE EXPLORED IN BILATERAL TALKS BEST UNDER-
TAKEN BY MR GRAHAM WHEN HE ARRIVES BY HIMSELF SINCE THE
EXECUTIVE COUNCIL WILL BE VERY WARY OF TALKING
SEPARATELY TO THE TEAM. IF THERE IS OBJECTION TO LORD
CARVER'S PRESENCE AT ANY TALKS ABOUT THE TRANSITION, WE
MAY HAVE TO MAKE IT CLEAR THAT THIS DOES NOT CARRY A
COMMITMENT TO HIM AS RESIDENT COMMISSIONER EITHER ON
HIS PART OR ON THE PARTIES. THIS APPOINTMENT WILL HAVE
TO BE AGREED. IF THERE IS OBJECTION TO GENERAL PREM
CHAND, THEN WE SHOULD NOT MAKE THIS A STICKING POINT:
IT IS DOUBTFUL IF THE PATRIOTIC FRONT WOULD INSIST ON
HIS PRESENCE, BUT IT WOULD HELP THE STRATEGY IN TERMS
OF LIFTING SANCTIONS (AND MAYBE WOULD MAKE IT EASIER TO
NEGOTIATE A UN PRESENCE WHICH IS MORE ACCEPTABLE TO THE
SALISBURY PARTIES).

14. MR GRAHAM AND MR LOW SHOULD BEAR CONSTANTLY IN MIND
THAT THE OBJECTIVE IS TO BRING ABOUT DIRECT TALKS
BETWEEN THE PARTIES. SINCE THE SALISBURY PARTIES MAY BE
RELUCTANT TO ENGAGE IN DIRECT TALKS UNTIL A LOT OF PRE-
PARATION HAS BEEN MADE, IT WILL PROBABLY BE NECESSARY
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TO ENTER INTO SOME DETAILED MATTERS OF SUBSTANCE. THE
LIKELY REACTION OF THE EXECUTIVE COUNCIL, HOWEVER, IN
THE FIRST INSTANCE WILL BE A RELUCTANCE TO BROACH ANY
ISSUE WHICH LOOKS LIKE REOPENING THE SALISBURY AGREEMENT
AND RELUCTANCE TO DISCUSS ANY CEASEFIRE OTHER THAN THAT
STEMMING FROM THEIR OWN INITIATIVES. IF THAT IS SO, WE
SHOULD INDICATE A READINESS TO DISCUSS ALL RELEVANT

TOPICS BUT, IF THEY SHOW RELUCTANCE IN ANY PARTICULAR AREA, TO LEAVE IT ON ONE SIDE. FOR EXAMPLE, WE COULD LEAVE "CEASEFIRE NEGOTIATIONS" AND THE "TRANSITION" ON ONE SIDE AND TO DISCUSS WITH THE SALISBURY PARTIES THE INDEPENDENCE CONSTITUTION. HERE THERE IS LIKELY TO BE A WIDEMEASURE OF AGREEMENT BETWEEN THE SALISBURY PARTIES' IDEAS AND OUR OWN, AS SET OUT IN "THE INDEPENDENCE CONSTITUTION OF ZIMBABWE" WITH THE MAJOR EXCEPTION OF THE PROVISIONS FOR WHITE REPRESENTATION AND THE PARTLY-RELATED PROBLEM OF ENTRENCHMENT. WE MAY ALSO FIND THAT WE ARE NOT FAR APART ON THE BILL OF RIGHTS, THOUGH EUROPEAN EXPECTATIONS ON CITIZENSHIP MAY NOT BE ONES THAT WE THINK REALISTIC. OUR OBJECT ON WHITE REPRESENTATION SHOULD BE, DESPITE THE PROVISIONS OF THE SALISBURY AGREEMENT, TO RE-OPEN THESE QUESTIONS AND MOVE THE SALISBURY PARTIES IN THE DIRECTION OF A REDUCED SPECIAL REPRESENTATION FOR WHITES, PREFERABLY WITHOUT A POWER OF VETO. VARIOUS DEVICES WERE DISCUSSED IN THE DOCUMENTS SENT TO THE PARTIES IN FEBRUARY. THE MAJOR DIFFICULTIES IN THIS AREA WE HAVE TO FACE ARE:

- A. THE PATRIOTIC FRONT'S OBJECTION TO ANY SPECIAL ARRANGEMENTS, EVEN OF A LIMITED AND TEMPORARY NATURE; AND
- B. THE RHODESIA FRONT'S INSISTENCE THAT THERE MUST BE SUCH SPECIAL REPRESENTATION, WITH A POWER TO PREVENT

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SIGNIFICANT AMENDMENT OF THE CONSTITUTION, PROPERLY REPRESENTATIVE OF THE WHITE COMMUNITY.

ALTHOUGH THERE ARE OBJECTIONS IN PRINCIPLE TO THE DEVICE, A SEPARATE ROLL FOR THE WHITES HAS THE MERIT OF BEING STRAIGHTFORWARD AND PRODUCING A PROPER REPRESENTATION OF THEIR VIEWS. IT ALSO IS A MAJOR ELEMENT IN THE SALISBURY AGREEMENT AND WAS ACCEPTED IN PRINCIPLE BY MR NKOMO IN 1976. IF THE PARTIES AGREE TO IT, THEREFORE, WE SHOULD NOT RULE IT OUT.

POSSIBLE COMPROMISE POSITIONS

15. AGAINST THE BACKGROUND THAT OUR OBJECTIVE IS BROAD AGREEMENT ON THE NEED FOR A TRANSITIONAL ADMINISTRATION WITH REAL AUTHORITY IN THE HANDS OF ITS MEMBERS, WE CAN DISCUSS, IF THE PARTIES SHOW ANY TENDENCY IN THAT DIRECTION, THE CONCEPT OF A NEUTRAL CHAIRMAN, SAYING WE RECOGNISE HE MUST BE ACCEPTABLE TO ALL AND THIS BECOMES MORE NECESSARY WITH A COUNCIL THAT HAS EXECUTIVE AND LEGISLATIVE POWERS. IT IS PROBABLY BEST TO TRY AND KEEP CONFIDENTIAL

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THE TERM "RESIDENT COMMISSIONER", SINCE THE PATRIOTIC FRONT AND THE FRONT LINE PRESIDENTS MAY FIND IT EASIER TO ACCEPT CHANGES IN THE AAP IF THERE IS SOME CONTINUITY OF TITLE. THIS CONCEPT OF CHANGE WITHIN THE FRAMEWORK OF THE AAP IS CLEARLY IMPORTANT TO MR NKOMO. WITH THE RHODESIA FRONT, HOWEVER, WE MAY NEED TO PLAY THIS DOWN IN ORDER TO CATER FOR MR SMITH'S ROOTED OBJECTION TO ANYTHING THAT SMACKS OF THE IMPOSITION OF BRITISH COLONIAL RULE OR THE REPUDIATION, IN TERMS, OF ALL THAT HE HAS STOOD FOR. WE SHOULD USE NEUTRAL TITLES LIKE "COUNCIL" WHENEVER POSSIBLE. THE PROBLEM WILL BE TO CONVINCE THE SALISBURY PARTIES THAT THERE WOULD BE ADVANTAGES IN HAVING SOME SORT OF A NEUTRAL CHAIRMAN WITH REAL POWER, HOWEVER APPOINTED. IF WE COULD REACH AGREEMENT ON THE INSTITUTION OF A NEUTRAL CHAIRMAN WITH RESERVE POWERS, E.G., IN THE FIELDS OF LAW AND ORDER, DEFENCE, AND ELECTORAL ARRANGEMENTS, THE NEXT PROBLEM WOULD BE THE COMPOSITION OF THE COUNCIL. THERE ARE STILL CONSIDERABLE ADVANTAGES, IT WOULD SEEM, TO ALL THE PARTIES IN THE PROPORTIONS WE PUT FORWARD AT MALTA, ESPECIALLY IF THE UANC WERE ONE DAY TO PULL OUT OF THE "TRANSITIONAL GOVERNMENT". THUS, IN A GOVERNING COUNCIL OF 20 THERE WOULD BE FOUR MEMBERS EACH FOR ZANU, ZAPU, THE UANC, ZANU(S) AND THE RHODESIA FRONT; AND ZANU(S) AND THE RHODESIA FRONT WOULD BE ABLE, IF THEY WISHED, TO INCLUDE IN THEIR REPRESENTATION A MEMBER OF ZUPO. THE REQUIREMENT OF A TWO-THIRDS MAJORITY FOR ALL "LEGISLATION

MEANS THAT ANY TWO PARTIES COULD PREVENT LEGISLATION
BEING ENACTED AGAINST THEIR WISHES.

16. IF THE UANC STAYS IN THE "TRANSITIONAL GOVERNMENT",
PARITY BETWEEN THE PATRIOTIC FRONT AND THE SALISBURY
PARTIES MAY BE A MORE EASILY ACCEPTABLE NOTION, BUT
WOULD REQUIRE CONCESSIONS FROM THE PATRIOTIC FRONT FROM
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THEIR DEMAND FOR AN EFFECTIVE MAJORITY IN THE COUNCIL,
AND FROM THE SALISBURY PARTIES FROM THEIR AGREEMENT ON
AN EFFECTIVE VETO IN THE HANDS OF EACH PARTICIPANT. A
COUNCIL SO CONSTITUTED COULD NOT BE EXPECTED TO ACT BY
CONSENSUS. IF THERE WERE PARITY, THERE WOULD BE A NEED
TO GIVE THE NEUTRAL CHAIRMAN A CASTING VOTE AND THE
COUNCIL WOULD CERTAINLY NEED TO BE OF SUFFICIENT SIZE
TO ACCOMMODATE ZUPO. THE SALISBURY PARTIES, DESPITE
THEIR INSISTENCE ON BEING TREATED AS A GROUP, WILL
NEVERTHELESS ARGUE FOR EQUAL REPRESENTATION ON A PARTY
BASIS, I.E., ONE SHARE EACH FOR THE FOUR PARTIES TO THE
SALISBURY AGREEMENT. THUS, THE BASIC COUNCIL COULD
CONSIST OF TWO EACH FROM THE TWO CONSTITUENT PARTIES OF
THE PATRIOTIC FRONT AND ONE EACH FROM THE SALISBURY
PARTIES, WITH A NEUTRAL CHAIRMAN, DECISIONS TO BE TAKEN
BY A SIMPLE MAJORITY.

17. THERE ARE MANY PERMUTATIONS ON THIS THEME AND ANY
OF THEM CAN EASILY BE ACCOMMODATED IN A LEGAL DRAFT OF
A TRANSITIONAL CONSTITUTION. (IF THE LAWS UNDER WHICH
THE TRANSITION WILL OPERATE ARE AGREED AND INCORPORATE
CHANGES IN TERMS OF DISCRIMINATION AND LAND TENURE THERE
MAY BE A GREATER READINESS ON THE PART OF THE PATRIOTIC
FRONT TO ACCEPT LESS THAN MAJORITY.) PROVIDED THAT THE
MAIN CRITERIA ARE SATISFIED AND THE PARTIES AGREE, WE
NEED NOT BE CONCERNED BY THE DETAILS. THE MORE THEY
DECIDE TO GOVERN THEMSELVES, THE LESS THE INVOLVEMENT OF
THE BRITISH PARLIAMENT AND THE MORE RELAXED WE CAN BE
ABOUT ADMINISTRATIVE ARRANGEMENTS.

MODE OF OPERATION AND TIMING

18. IT WOULD SEEM BEST FOR THE TEAM TO START THEIR
SERIOUS WORK IN SALISBURY. NO BREAK-THROUGH IS LIKELY

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UNTIL THE SALISBURY GROUP SEE THE NEED FOR DIRECT TALKS AND IT MAY BE NECESSARY WHILE THEY ARE CONTEMPLATING THIS TO TRY AND HAVE BILATERALS WITH ALL PARTIES ON ISSUES, LIKE THE INDEPENDENCE CONSTITUTION AND RELATED POINTS. AS INDICATED ABOVE, MR NKOMO SEES LITTLE ADVANTAGE IN TALKING AGAIN TO OFFICIALS, THOUGH HE MAY BE PREPARED TO DELEGATE THESE CONTACTS TO A DEPUTY. AS TO PLACE, WE SHOULD BE READY TO FALL IN WITH THE PATRIOTIC FRONT'S WISHES. IT MAY BE ACCEPTABLE, FOR THE EARLY MEETINGS, TO SEE THEM SEPARATELY. MR NKOMO HAS INDICATED TO MR ALLINSON AND MR LOW THAT HE IS UNLIKELY TO BE AVAILABLE PERSONALLY BEFORE THE BEGINNING OF JUNE. WE SHOULD, IF NECESSARY, ENLIST THE SUPPORT OF THE FRONT LINE STATES IN OBTAINING AGREEMENT ON THE MEETING ARRANGEMENTS.

19. WE SHOULD AVOID COMMITTING OURSELVES IN PUBLIC TO ANY "BASE". MR GRAHAM AND MR LOW SHOULD OPERATE WITH THE MINIMUM OF PUBLICITY AND THE LOWEST PROFILE. BY BEING IN AFRICA THEY WOULD HOPE TO FIT INTO THE GENERAL
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SCENE AND AFTER A FEW WEEKS MOVE AROUND WITHOUT FUSS AND QUIETLY, WHILE SOMEONE WOULD STAY MORE OR LESS PERMANENTLY IN SALISBURY. IN SALISBURY, THE TEAM SHOULD OPEN COMMUNICATIONS TO ALL SHADES OF OPINION. IN PARTICULAR IT IS VITAL TO SEE A BIT OF MR CHINAMANO AND NEVER TO GIVE THE IMPRESSION OF BEING TIED UP SOLELY WITH THE EXECUTIVE COUNCIL. THEY SHOULD ALSO KEEP IN TOUCH WITH THE FRONT LINE STATES AND WITH THE SOUTH

AFRICAN GOVERNMENT.

ADMINISTRATION

20. I. COMMUNICATIONS

COMMUNICATIONS DEPARTMENT ARE PREPARED TO
INSTALL CYPHER COMMUNICATIONS AND THE NECESSARY PERSONNEL
TO OPERATE IT. THE INSTALLATION OF CYPHER FACILITIES
WILL, HOWEVER, HAVE TO BE CLEARED WITH THE REGIME, HOPE-
FULLY BEFORE MR GRAHAM GOES OUT;

II. STAFF

IN ADDITION TO MESSRS GRAHAM AND LOW, MISS
HARES SHOULD MAKE UP THE TEAM IN THE FIRST INSTANCE.
WHEN MR GRAHAM TRAVELS, MISS HARES WOULD NORMALLY STAY
IN SALISBURY. IF PRELIMINARY CONTACTS OR THE PROGRESS
OF THE TALKS SHOWED THAT THIS WAS FEASIBLE, IT MIGHT BE
POSSIBLE TO INCREASE THE TEAM BY ONE OTHER OFFICER, A
GRADE 5 OR 6, WHO WOULD SUPPORT THE TEAM DURING THEIR
DISCUSSIONS IN SALISBURY AND WOULD REMAIN WHEN THEY WERE
ON CIRCUIT TO OPERATE IN EFFECT AS OUR PERMANENT PRESENCE
THERE, BUT NOMINALLY AS THE TEAM'S "REAR LINK". MR STEEL
WOULD BE CALLED IN AS APPROPRIATE IF THERE IS SCOPE FOR
CONSTITUTIONAL TALKS. COLONEL REILLY SHOULD ALSO BE
PREPARED TO VISIT SALISBURY IF THAT SEEMS APPROPRIATE.

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